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ERNESTO GRANADOS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNESTO GRANADOS,

Defendant.

Case No. 1: 03-cr-5016 LJO

**STIPULATED MOTION AND ORDER TO
REDUCE SENTENCE PURSUANT TO 18
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO
REDUCTION CASE

Judge: Honorable LAWRENCE J. O'NEILL

Defendant, ERNESTO GRANADOS, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Kathleen A. Servatius, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On March 26, 2004, this Court sentenced Mr. Granados to a total term of 181 months imprisonment, comprised of 121 months on Counts 1 and 2 (violations of 21 U.S.C. § 841(a)(1), 846 and 18 U.S.C. § 2) to be served concurrently, and 60 months on Count 4 (a violation of 18 U.S.C. 924(c)(1), to be served consecutively to Counts 1 and 2;

1 3. His total offense level was 30, his criminal history category was II, and the
2 resulting guideline range was 108 to 135 months. By operation of the statutory mandatory
3 minimum, the low-end of the range became 120 months;

4 4. The sentencing range applicable to Mr. Granados was subsequently lowered by
5 the United States Sentencing Commission in Amendment 782, made retroactive on July 18,
6 2014, see 79 Fed. Reg. 44,973;

7 5. Mr. Granados' total offense level has been reduced from 30 to 28, and his
8 amended guideline range is 87 to 108 months, which becomes 120 months by operation of the
9 statutory mandatory minimum;

10 6. Accordingly, the parties request the Court enter the order lodged herewith
11 reducing Mr. Granados' term of imprisonment to a total term of 180 months, comprised of 120
12 months on Counts 1 and 2, to be served concurrently, and 60 months on Count 4, to be served
13 consecutively.

14 Respectfully submitted,

15 Dated: March 2, 2016

Dated: March 2, 2016

16 BENJAMIN B. WAGNER
17 United States Attorney

HEATHER E. WILLIAMS
Federal Defender

18 /s/ Kathleen A. Servatius
19 KATHLEEN A. SERVATIUS
Assistant U.S. Attorney

/s/ Hannah R. Labaree
HANNAH R. LABAREE
Assistant Federal Defender

20 Attorney for Plaintiff
21 UNITED STATES OF AMERICA

Attorney for Defendant
ERNESTO GRANADOS

ORDER

This matter came before the Court on the stipulated motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

The parties agree, and the Court finds, that Mr. Granados is entitled to the benefit Amendment 782, which reduces the total offense level from 30 to 28, resulting in an amended guideline range of 87 to 108 months.

IT IS HEREBY ORDERED that the term of imprisonment imposed in March 2004 is reduced to a total term of 180 months, comprised of 120 months on Counts 1 and 2, to be served concurrently, and 60 months on Count 4, to be served consecutively.

IT IS FURTHER ORDERED that all other terms and provisions of the original judgment remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above reduction in sentence, and shall serve certified copies of the amended judgment on the United States Bureau of Prisons and the United States Probation Office.

Unless otherwise ordered, Mr. Granados shall report to the United States Probation Office within seventy-two hours after his release.

IT IS SO ORDERED.

Dated: **March 2, 2016**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE